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7 Attorneys for Defendants,
8 GOODYEAR DUNLOP TIRES NORTH AMERICA, LTD.,
9 erroneously named herein as GOODYEAR DUNLOP TIRES
NORTH AMERICA, LTD., LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 Mark R Ciabattari, and all other persons
13 similarly situated,

14 Plaintiffs,

15 vs.

16 Toyota Motor Sales, U.S.A., Inc., a California
17 corporation, et al,

18 Defendants.

19) Case No. C-05-04289 SC
20)
21) FOURTH STIPULATION CONTINUING
22) DEFENDANT GOODYEAR DUNLOP TIRES
23) NORTH AMERICA, LTD'S MOTION TO
24) DISMISS OR, ALTERNATIVELY, TO
25) STRIKE PORTIONS OF THE PLAINTIFF'S
26) COMPLAINT, DEFENDANT TOYOTA
27) MOTOR SALES, U.S.A., INC.'S MOTION TO
28) DISMISS, AND PLAINTIFF'S MOTION TO
29) REMAND THIS ACTION TO THE
30) SUPERIOR COURT;
31) [PROPOSED] ORDER
32)
33)

34 Whereas, defendant Goodyear Dunlop Tires North America, Ltd. has pending a motion to
35 dismiss or, alternatively, to strike portions of the plaintiff's complaint;

36 Whereas, defendant Toyota Motor Sales, U.S.A., Inc. has pending a motion to dismiss
37 this action;

38 Whereas, plaintiff has pending a motion to remand this action to the Superior Court;

1 Whereas, memoranda in opposition to each of these motions has been filed;

2 Whereas, there have been three previous stipulations to continue the hearing date for
3 these motions;

4 Whereas, each of these motions is currently set to be heard on June 16, 2006;

5 Whereas, currently the last day to meet and confer re initial disclosures, early settlement,
6 ADR process selection and discovery plan and to file Joint ADR Certification with Stipulation to
7 ADR process or Notice of Need for ADR Phone Conference is June 23, 2006;

8 Whereas, the last day to serve initial disclosures or state any objection to Rule 26(f)
9 Reports, to file the Case Management Statement, and to file Rule 26(f) Reports is June 30, 2006

10 Whereas, the Case Management Conference is currently set for July 7, 2006

11 Whereas, on February 8, 2006, plaintiff joined with plaintiffs in similar class actions
12 pending in federal district courts in Connecticut, New York, New Jersey, Illinois and Florida
13 filed a motion to have all the cases transferred to a single district court and coordinated and
14 consolidated for pretrial purposes under 28 U.S.C. § 1407;

15 Whereas, on March 15, 2006 and May 22, 2006, counsel for the plaintiffs in this and in
16 the Connecticut, New York, New Jersey, Illinois and Florida actions met with counsel for each
17 of the defendants in San Francisco to discuss a nationwide settlement;

18 Whereas, the parties believe that they have reached a settlement, which is currently being
19 finalized;

20 IT IS HEREBY STIPULATED, by and between counsel, that the pending motions may
21 be continued to Friday, August 25, 2006 at 10:00 AM, and that the parties' respective reply
22 memoranda shall be filed and served 14 days before the hearing date.

23 IT IS FURTHER STIPULATED that the last day to meet and confer re initial
24 disclosures, early settlement, ADR process selection, and discovery plan shall be September 1,
25

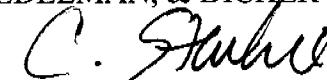
1 2006; the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of
2 Need for ADR Phone Conference shall be September 1, 2006;

3 IT IS FURTHER STIPULATED that the last day to serve initial disclosures or state any
4 objection to the Rule 26(f) Report, to file the Case Management Statement, and to file the Rule
5 26(f) Report shall be September 8, 2006; and

6 IT IS FURTHER STIPULATED that the Case Management Conference shall be held on
7 either Friday, September 15, 2006, at 10:00 AM or such date thereafter as may be convenient to
8 the Court.

9
10 Dated: May 24, 2006 WILSON, ELSER, MOSKOWITZ, EDELMAN, & DICKER LLP

11 By /s/ Christine Starkie
12 Christine Starkie
13 Attorney for Defendant Goodyear Dunlop
Tires North America, Ltd.



14 Dated: May 24, 2006 KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

15 By /s/ Mark F Anderson
16 Mark F Anderson
17 Attorney for Plaintiff & the Class

18 Dated: May 24, 2006 O'MELVENY & MYERS LLP

19
20 By /s/ Thomas M Riordan
21 Thomas M Riordan

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5 26(f) Report shall be September 8, 2006; and

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10 Dated: May 24, 2006 WILSON, ELSER, MOSKOWITZ, EDELMAN, & DICKER LLP

11 By /s/ Christine Starkie
12 Christine Starkie
13 Attorney for Defendant Goodyear Dunlop
Tires North America, Ltd.

14 Dated: May 24, 2006 KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

15 By /s/ Mark F Anderson
16 Mark F Anderson
17 Attorney for Plaintiff & the Class

18 Dated: May 24, 2006 O'MELVENY & MYERS LLP



19
20 By /s/ Thomas M Riordan
21 Thomas M Riordan
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Mark R Ciabattari, and all other persons similarly situated,) Case No. C-05-04289 SC
Plaintiffs,)
vs.) [PROPOSED] ORDER CONTINUING
Toyota Motor Sales, U.S.A., Inc., a California corporation, et al,) MOTION HEARINGS AND CASE
Defendants.) SCHEDULE

)

Based upon the parties' stipulation and for good cause shown, the hearing on the motions referenced above shall be continued to Friday, August 25, 2006, at 10:00 AM; the last date to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan shall be September 1, 2006; the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference shall be September 1, 2006; the last day to serve initial disclosures or state objection to Rule 26(f) Report, to file the Case Management Statement, and to file the Rule 26(f) Report shall be September 8, 2006; and the Case Management Conference shall be held on ~~September 15, 2006~~.

Dated: May 30, 2006

September 22, 2006 at 10:00 a.m.

